

REMARKS

Claims 1-37 are pending in the application and were rejected. Claims 1, 20, and 30 have been amended herein. Accordingly, claims 1-37 remain active in the application. In view of the claim amendments and the following remarks, reconsideration of the application is respectfully requested.

Status of the Application

Applicant respectfully requests that the finality of the Office Action be withdrawn. The Examiner has submitted a new reference (Kalmanek) and argued a new ground of rejection for claims 17, 33, and 34. The new ground of rejection was not necessitated by an amendment, as the claims at issue are original claims. Accordingly, Applicant submits that the finality of the instant Office Action is premature under MPEP 706.07(a), and requests that the finality of the instant Office Action be withdrawn under MPEP 706.07(d).

Claim Amendments

Applicant has amended claim 1 to clarify that "the plurality" referred to in the second element is the plurality "of packet-switched call signaling connections." Since two pluralities are referred to in the first element, this amendment serves to remove a potential misinterpretation of the claim.

Applicant has amended claim 20 to include the claim 1 limitation that each of the packet-switched call signaling connections correspond to one packet-switched call.

Applicant has amended claim 30 to clarify that each "identifiable packet-switched call signaling connection" is associated with one packet-switched call.

No new matter has been added by amendment.

Claim Rejections – 35 USC § 103

Claims 1-6, 10, 11, 20, 22, 28-32, and 35

Claims 1-6, 10, 11, 20, 22, 28-32, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong et al. (Framework Architecture for Signaling Transport, June 1999, IETF Internet Draft) in view of Auerbach et al. (Session Manager, 25 February 1999, IETF Internet Draft). Applicant respectfully traverses this rejection and submits that a *prima facie* case of obviousness is lacking.

Applicant previously argued that the prior art failed to demonstrate the existence, in the prior art, of at least the first two claim elements of claim 1: “terminating a plurality of packet-switched call signaling connections, each corresponding to one of a plurality of packet-switched calls, at a packet-switched signaling gateway” and “communicating, over a number of sessions smaller than the plurality of packet-switched call signaling connections, the signaling content of the call signaling connections from the signaling gateway to a primary media gateway controller.” In response to Applicant’s previous remarks, the Examiner has pointed to Ong’s disclosure of signaling information transport over IP, including the mention of VoIP, and to Auerbach’s MGC and gateway sharing a session defined by IP ports.

Applicant does not dispute that Ong and Auerbach use packets for some functions. The particular claim 1 limitations that Applicant pointed to as lacking in the prior art require packet-switched call signaling connections that each correspond to one packet-switched call. Whereas Ong’s signaling gateway may communicate with an MGC over an IP network, the signaling information is clearly received from a switched-circuit network and merely repackaged in packets (see Ong Figs. 1, 2, and 3 for instance). And even in Figure 3, where “Signaling Transport” is used between two signaling gateways, SS7 call signaling is transported, and is not reduced to a smaller number of connections. Thus none of Ong’s signaling gateways terminate a plurality of packet-switched call signaling connections that each correspond to one of a plurality of packet-switched calls, and then communicate the signaling content of the call signaling connections from the signaling gateway to a primary media gateway controller over a number of sessions smaller than the plurality of packet-switched call signaling connections.

Like Ong, Auerbach deals with SCN interfacing, as demonstrated in Applicant’s prior response. The applied references fail to teach the first two claim elements of claim 1, or to provide a suggestion to combine their disclosures in a method according to claim 1. These same arguments also apply to the other claims in this group.

The Examiner also points to Applicant's acknowledgment that a packet-switched call need not travel completely end-to-end over a packet-switched network. The call signaling connection, on the other hand, is defined in the Applicant's specification as a connection formed over a packet-switched datagram medium related to a call. (p. 7, ll. 20-23.) SS7 SCN signaling certainly fails to meet this limitation, as any packet network connection formed according to these references merely transports SCN signaling for a plurality of SCN calls, and is not established on a per-call basis.

At least for the foregoing reasons, Applicant respectfully submits that a *prima facie* case of obviousness is lacking for claims 1-6, 10, 11, 20, 22, 28-32, and 35.

Claims 7-9 and 37

Claims 7-9 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong et al. (Framework Architecture for Signaling Transport, June 1999, IETF Internet Draft) in view of Auerbach et al. (Session Manager, 25 February 1999, IETF Internet Draft) and further in view of Christie, IV (U.S. Patent 6,445,695). Applicant respectfully traverses this rejection at least for the reasons presented above for the parent claims of claims 7-9 and 37. Christie presents nothing that overcomes the deficiencies noted above for those parent claims.

Claims 12-16, 23-27, and 36

Claims 12-16, 23-27, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong et al. (Framework Architecture for Signaling Transport, June 1999, IETF Internet Draft) in view of Auerbach et al. (Session Manager, 25 February 1999, IETF Internet Draft) and further in view of Auerbach et al. (Signaling Backhaul Protocol, 25 February 1999, IETF Internet Draft). Applicant respectfully traverses this rejection as failing to create a *prima facie* case of obviousness for the rejected claims. Like the previous references, Auerbach (Signaling Backhaul Protocol) addresses SCN signaling gateways, and merely adds backhaul capability for such signaling. Nothing teaches or suggests backhauling H.323 (for example) *packet-switched* call signaling. Accordingly, the *packet-switched* call signaling limitations of these claims, including those identified above for the patent claims, are neither taught nor suggested by the combination of references.

The Examiner points out that the instant claims do not recite H.323 specifically. Applicant referred to H.323 as an example of packet-switched call signaling, which is defined in the specification in a manner that excludes the mere transport of SCN signaling over a packet network. (p. 7, ll. 20-23 of the Specification, see argument above regarding claim 1.)

Claims 17, 33, and 34

Claims 17, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong et al. (Framework Architecture for Signaling Transport, June 1999, IETF Internet Draft) in view of Auerbach et al. (Session Manager, 25 February 1999, IETF Internet Draft) and further in view of Kalmanek, Jr. et al. (U.S. 6,483,912). Regarding claims 17, 33, and 34, the rejection refers to a capability in Auerbach for a gateway sending PDUs to both an ACTIVE and STANDBY MGC. There is no showing that these PDUs contains the call state information for the calls served by the primary media gateway controller, as claimed in claim 17, and Applicant fails to see how those PDUs alone would convey call state information since the STANDBY MGC is listening to half of a conversation. Further, claim 33 and 34 state that the failover MGC(s) periodically receives call state information from *one of the primary media gateway controllers*, not from a gateway. This additional element is missing from the references, in addition to those indicated above.

The Examiner has asserted that Kalmanek discloses the missing elements of Ong and Auerbach by disclosing gate controllers that "are analogous to the media gateway controllers of the present invention," "a transient state call may be established on the secondary gate controller when the primary gate controller fails," and "gate controllers may pass state information between each other." Applicant respectfully disagrees. The gate controllers of Kalmanek are the "gatekeepers" shown and described in Applicant's invention. They are thus involved in authenticating and admitting calls to the network, performing translation services, and performing other transient features such as call transfer. (Kalmanek, col. 6, l. 41 to col. 7, l. 53.) They do not, however, control media gateways.

Regarding the Examiner's assertion that a transient call state may be established on the secondary gate controller when the primary gate controller fails, it is evident that this does not involve call state information saved from a primary to a failover media gateway controller as claimed. Kalmanek discloses that "all active calls (i.e., calls in progress) are unaffected by the failure of a primary gateway controller *because the gate controller does not retain state information for these stable, active calls.*" (col. 7, ll. 49-51.) If the primary does not retain state information, it can hardly be said to transfer that state information to a failover unit. Further, calls that are in a transient state are not transferred to a secondary gatekeeper in an graceful manner that would illustrate some level of call state sharing. Kalmanek discloses that after a timeout period, the telephone interface units simply retry with the secondary gatekeeper.

Finally, the gatekeepers that pass state information are not arranged as primary and secondary gatekeepers in the same domain. The section of Kalmanek pointed to by the Examiner refers to messages that "all occur in situations where the Gate Controller realizes that it cannot complete a request due to the destination being served by a different Gate Controller." (col. 39, ll. 6-10.) This section refers to inter-domain calls, and not to situations regarding a gatekeeper failure.

In summary, Kalmanek's gate controllers are not analogous to MGCs because they do not save call state, and Kalmanek fails to teach or suggest transferring state even between two gatekeepers serving the same domain. Accordingly, Applicant respectfully submits that Kalmanek fails to overcome the deficiencies of the prior rejection, and a *prima facie* case of obviousness is still lacking for claims 17, 33, and 34.

Claims 18, 19, and 21

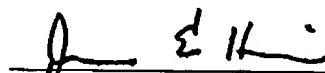
Claims 18, 19, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ong et al. (Framework Architecture for Signaling Transport, June 1999, IETF Internet Draft) in view of Auerbach et al. (Session Manager, 25 February 1999, IETF Internet Draft) and further in view of Draft H.323, 30 January 1996, Telecommunication Standardization Sector of ITU. Applicant respectfully traverses this rejection as failing to create a *prima facie* case of obviousness for the rejected claims. Draft H.323 certainly discloses H.323 bearer stream functionality and packet-switched call signaling connections, but it fails to cure the basic deficiencies presented above as they apply to these claims: the basic method and signaling gateway are neither taught nor suggested by the draft H.323 standard. In fact, by creating a packet-based call signaling method for directly passing signaling between endpoints and MGCs over a packet network, the draft H.323 teaches *away* from the imposition of a call signaling gateway between the two. Although the Examiner disagrees, there is no motivation shown in the references for interposing an undisclosed additional packet-switched gateway in a path where both endpoints already are perfectly able to communicate directly with each other over the packet-switched network.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-37 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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